

DA01036/1363D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of: Hao Fang et al.

Serial No.: 09/941,370 Art Unit: 2812
Filed: August 28, 2001 Examiner: Richard A. Booth
For: FLASH MEMORY DEVICE AND A METHOD OF FABRICATION THEREOF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL OF SUPPLEMENTAL APPEAL BRIEF
(PATENT APPLICATION - 37 CFR 1.192)**

1. Transmitted herewith in triplicate is the SUPPLEMENTAL APPEAL BRIEF in this application with respect to the Notice of Appeal filed on May 23, 2003 and the Appeal Brief filed on July 22, 2003.

NOTE: "The appellant shall, within 2 months from the date of the notice of appeal under § 1.191 in an application, reissue application, or patent under reexamination, or within the time allowed for response to the action appealed from, if such time is later, file a brief in triplicate." 37 CFR 1.192(a) (emphasis added).

2. STATUS OF APPLICANT

This application is on behalf of

- other than a small entity
 small entity
verified statement:
 attached
 already filed

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 CFR 1.17(f) the fee for filing the Appeal Brief is:

- small entity \$160.00
 other than a small entity \$320.00

Appeal Brief fee due \$0

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CERTIFICATE OF MAILING (37 CFR § 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date:

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Serena Beller

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(Signature of person mailing paper)

(Page 1 of 3)

4. EXTENSION OF TERM

NOTE: The time periods set forth in 37 CFR 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 CFR 1.191(d). Also see Notice of November 5, 1985 (1060 O.G. 27).

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

(complete (a) or (b) as applicable)

- (a) Applicants petition for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

| Extension (months) | Fee for other than small entity | Fee for small entity |
|---------------------------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 410.00 | \$ 205.00 |
| <input type="checkbox"/> three months | \$ 930.00 | \$ 465.00 |
| <input type="checkbox"/> four months | \$ 1,450.00 | \$ 725.00 |
| Fee | | |

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- An extension for _____ months has already been secured and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____
or

- (b) Applicants believe that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal Brief fee \$0

Extension fee (if any) \$0

TOTAL FEE DUE \$0

6. FEE PAYMENT

Attached is a check in the sum of \$_____

Charge Account No. 01-0365 (DA01036/1363D) the sum of \$0.

A duplicate of this transmittal is attached.

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(Page 2 of 3)

7. FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

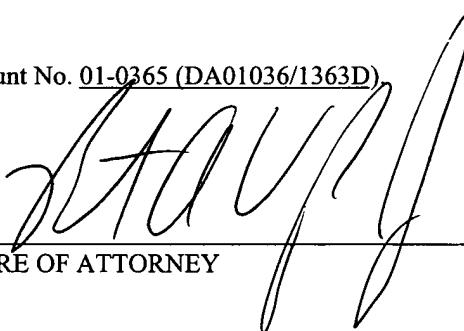
- If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 01-0365 (DA01036/1363D).

AND/OR

- If any additional fee for claims is required, charge Account No. 01-0365 (DA01036/1363D).

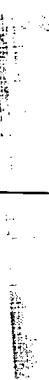
Reg. No.: 47,159

SIGNATURE OF ATTORNEY

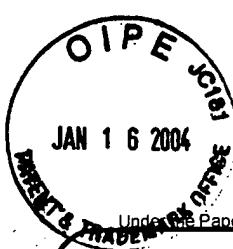
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FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

19

| | |
|----------------------|------------------|
| Application Number | 09/941,370 |
| Filing Date | August 28, 2001 |
| First Named Inventor | Hao Fang et al. |
| Art Unit | 2812 |
| Examiner Name | Richard A. Booth |

Attorney Docket Number DA01036/1363D

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
- Fee Attached
- Amendment/Reply
 - After Final
 - Affidavits/declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/Incomplete Application
- Response to Missing Parts under 37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation
- Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s)

- After Allowance communication to Technology Center (TC)
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below):

Remarks

Request for Reinstatement of Appeal Under 37 C.F.R. 1.193(b)(2)(ii); Supplemental Appeal Brief (copy)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|---|
| Firm or Individual name | Winstead Seaprest & Minick P.C. Robert A. Voigt, Jr. Reg. No. 47,169 |
| Signature | |
| Date | January 13, 2004 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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| Typed or printed name | Serena Bellier |
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| | |
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| Signature | |
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Date January 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS: SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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